

### **Remarks/Arguments**

The Examiner is thanked for the careful review of this Application. Claims 1-12, 14-17, and 19-21 are pending after entry of the present Amendment. Claims 13 and 18 have been cancelled. Amendments were made to claims to correct typographical errors and better define the claimed invention. The amendments do not introduce new matter.

#### **Rejections under 35 U.S.C. § 101:**

The Office has rejected claim 21 for being directed to non-statutory subject matter. The applicant respectfully request that section 101 rejection of claim 21 be withdrawn in view of the clarifying amendments to claim 21.

#### **Rejections under 35 U.S.C. § 103(a):**

The Office has rejected claims 1-12, and 14-21 under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,826,716 to Mason in view of the U.S. Patent Pub. No. 2005/0198042 A1 to Davis. It is respectfully submitted that the combination of the cited prior art fails to raise a *prima facie* case of obviousness against the subject matter defined in the claimed invention for several reasons.

For instance, the combination of the cited prior art fails to disclose, teach, or suggest all the features of the claimed invention, as defined in amended independent claims 1, 11, 16, and 21. Among other features, the cited combination fails to disclose, teach, or suggest executing a computer software test application on a platform, the computer software test application having one or more test suites, each test suit including one or more test cases, each test case configured to test an aspect of the platform, or generating test results in the XML enabled format independent of an XML format capability of the platform.

Citing to lines 25-35 of Mason, the Office has interpreted that, in the broadest sense, Mason teaches executing a computer software test application. The Applicant respectfully disagrees with the Office's interpretation, as such broad interpretation is not supported by any of the cited prior art references. Furthermore, the Applicant submits that in arriving at the Office's interpretation, the Office has not considered the feature "the computer software test application having one or more test suites," of the claimed invention.

Mason teaches generating test programs for J2EE Enterprise Web applications by using information in the J2EE deployment descriptors to generate client tests targeted towards specific QOS attributes of the J2EE applications are running in the containers. See Mason, Column 7, lines 51-56. Execution of the J2EE application (the component interpreted by the Office to be the computer software test application of the claimed invention) results in the generation of the tests that are used to test the J2EE application being tests. However, the J2EE application of Mason and the computer software application of the claimed invention

are not the same. In the claimed invention, the computer software test application that is being executed has one or more test suites and each test suite has one or more test cases (e.g., the tests). The Applicant respectfully submits that executing a J2EE application that includes modules and deployment descriptors to generate tests to test the same J2EE application does not disclose, teach, or suggest, executing a test application that includes test suites and test cases to generate test results. It must be noted that Davis also fails to cure such deficiency, as Davis is only directed at creating a chart view of a markup language, and does not disclose, teach, or suggest generating the test results.

The Office has further cited to column 15, lines 25-35 of Mason interpreting, in the broadest sense, that Mason teaches that the test results are in XML enabled format of the claimed invention. The Applicant also disagrees with the latter interpretation of the Office. In Mason, information in the J2EE deployment descriptors are used to generate client tests targeted towards specific AOS attributes of the application that are running in the containers. As described by Mason, in column 2, lines 3-5, deployment descriptors are "text files that specify component behavior in terms of well-defined XML tags." That is, Mason only teaches using XML tags in the J2EE deployment descriptor being tested. Contrary to the Office's interpretation, nowhere in Mason is there a disclosure, teaching, or suggestion to generate test results in XML enabled format. The Office has interpreted that because descriptors include XML tags, the test results (if any is generated in Mason) also include XML tags. Such interpretation, however, is not supported by the cited prior art. In fact, the use of XML tag in the J2EE application does not disclose, teach, or suggest using of XML tags in the test results. One of ordinary skill in the art of application testing is well aware that the use of XML tags in the application being tested does not establish the use of XML tag in the results being generated. However, the Applicant has amended independent claims 1, 11, 16, and 21 to specifically define that generating test results in the XML enabled format is independent of an XML format capability of the platform. As described in the specification, in the claimed invention, XML enabled format test results can be generated when testing any platform.

It is further submitted that the combination of the cited prior art fails to disclose test suite tags that encapsulate the test results corresponding to each test suite of the computer software test application. As described in more detail above, neither Mason nor Davis disclose, teach, or suggest executing a computer software application that includes test suites or test suite tags.

The Applicant further submits that even if the cited prior art were combinable (a proposition with which the Applicant disagrees), the combination of the cited references would not have disclosed, suggested, or taught generating test results in an XML enabled format and using the XML enabled test results to create a test summary report, and

rearranging of the XML enabled test results, as defined in the claimed invention. Specifically, as described in more detail above, test results generated by Mason (if any) are not taught, disclosed, or suggested to include any XML tags. As such, without any XML tags already defined in the test results, the system of Mason would not have been able to create a "chart view" or rearrange the data.

Still further, it is submitted that providing a chart view for an XML language of Davis or generating test code for testing an application of Mason are not in the field of, nor are reasonably pertinent, to creating test summary report of test results generated by testing a platform using a test application that includes test suites and test cases, as defined in the claimed invention.

Accordingly, amended independent claims 1, 11, 16, and 21 are respectfully submitted to be patentable under 35 U.S.C. section 103(a) over any combination of the cited prior art. In a like manner, dependent claims 2-10, 12 and 14-15, 17, 19, and 20 each of which directly or indirectly depends from the applicable independent claim are submitted to be patentable under 35 U.S.C. section 103(a) over any combination of the cited prior art for at least the reasons set forth above regarding the independent claims 1, 11, and 16.

The Applicant respectfully requests examination on the merits of the subject application, and submits that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6913. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP024). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP



Fariba Yadegar-Bandari, Esq.  
Reg. No. 53,805

710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
Telephone (408) 774-6913  
Facsimile (408) 749-6901  
**Customer No. 32291**